

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re Flint Water Cases.

Judith E. Levy
United States District Judge

_____/

This Order Relates To:

ALL CASES

_____/

**ORDER REGARDING USE OF ITEMS SUBJECT TO
CONFIDENTIALITY ORDER AT THE JULY 12, 2021 HEARING**

On July 6, 2021, counsel for the *Chapman* and *Lowery* Plaintiffs, Mark Cuker, indicated via e-mail that he intends to refer to certain material at the July 12, 2021 hearing: “133-134, 287-288 (Ex. J to ECF#1839-12 (filed under seal))] 5-7. 46-49, 138-140, (Ex. C to ECF # 1710-1) TFS 000154, 000156 (Exs. C and D to ECF # 1825-1) (filed under seal).”

As an initial matter, ECF No. 1839-12 does not exist on the docket. The Court presumes that Cuker intended to refer to ECF No. 1838-1, which is the sealed version of “Exhibit J”. Exhibit C to ECF No. 1710-1 was filed under seal as ECF No. 1722-1. Both of these items are portions

of Dr. Specht's deposition transcript. The Specht transcript is designated as "highly confidential" under the terms of the Fifth Amended Case Management Order (CMO) (ECF No. 1255-3) *and* is subject to the Court's October 21, 2020 order (ECF No. 1290). The items referenced as "TFS 00154, 00156" are filed under seal in ECF No. 1824-1 and are emails that are marked "confidential" under the CMO. (ECF No. 1255-3.)

The CMO states, in relevant part:

Any party who intends to disclose Protected Material at a public court proceeding shall make its best efforts to inform the Court and the producing party at least five (5) business days in advance of the anticipated disclosure date of the intended disclosure, but in any event shall provide sufficient advance notice to the Court and to the producing party to permit the Court to decide, before any disclosure has been made, what, if any, orders it should enter to protect the Protected Material from inappropriate use or disclosure.

(ECF No. 1255-3, PageID.39398.)

If Co-Liaison Counsel for Individual Plaintiffs or other designating parties object to the *Chapman* and *Lowery* Plaintiffs' reference to the material identified above at the July 12, 2021 hearing, they must set forth their reasons on the docket no later than the end of the day on

Thursday July 8, 2021.¹ The Court will issue an Order regarding the use of the material on July 9, 2021.

IT IS SO ORDERED.

Dated: July 7, 2021
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on July 7, 2021.

s/Erica Parkin for
WILLIAM BARKHOLZ
Case Manager

¹ The Court is conducting an in camera review of the entire Specht deposition transcript and will later determine whether it should continue to be subject to the October 21, 2020 Order. For the purposes of this Order, the portions identified by the *Chapman* and *Lowery* Plaintiffs do not regard the bellwether Plaintiffs' medical or personal identifying information, and accordingly, any objections should not recite these reasons for its continued level of protection.